

3-15-14

In The United States District Court
FOR the District Of Maryland.

LARRY Washington 407448
Plaintiff.

v.

Civil Action No. GLR 13-03767

LOGGED

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GARY D. MAYNARD et al.
Defendants

MAR 9 2014

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

Declaration In opposition to Defendants motion
for Summary Judgement.

Larry Washington #407448 States

1) I am the Plaintiff in the above entitled Case. I make this declaration in opposition to defendants motion for Summary Judgement against my claims concerning the assault against me by inmate Brandon Bovi and members of his gang, defendants Gary D. Maynard et al.

2) The defendants claim in their Summary that Plaintiff didn't have enough facts to state claims for relief or liability. stating Plaintiff has failed to state claim for supervisory - liability. The defendants are entitled to qualified immunity. but the defendants are also responsible not only for my health but also for my welfare and safety as well.

The defendants are not entitled to Summary -

Judgement because there are genuine issues of material facts to be resolved. These issues are identified in the accompanying declaration pursuant to Local Rule 10A of this District Court.

3) In February 2012 I was assaulted by members of the B.G.F. (Black Godzilla Family) gang while I was incarcerated at the Baltimore City Detention Center. Inmate Brandon Dovi was identified by housing officer and myself as one of the attackers. After inmate Brandon Dovi was identified to Captain Moore he was placed on punitive segregation. I was moved to another housing unit by Captain Moore because I couldn't readily identify the remaining assailants against me. Upon inmate Brandon Dovi completing his punitive segregation time he was placed on the same housing unit with me. Upon my noticing inmate Dovi I went to my tier-officer C.O. P. Foulkes. I explained to her my problem and that I feared for my safety. She said that she would contact her O.I.C. Supervisor using the chain of command. Several days passed and I still remained on that housing unit. I then wrote inmate requests to the housing supervisor. Sergeant Beverly, O.I.C. Sergeant Peter and Shift Supervisor Captain Moore but I received no response. I continued to complain to my Housing Officer daily only to be told that she reported my complaint to

her duty Captain at my request. I continued to write Captain Moore and Chief of Security Miles hoping to resolve this matter for I truly feared for my safety. Captain Moore was the duty-Captain when the first assault took place so I couldn't understand why she wouldn't address this situation of grave importance and considerable danger. My request went unanswered still at the Detention Center failed to protect me from assault. On May 28th 2012 I was approached by inmate Brandon Dovi and told that if I didn't eat him a green dot card in the amount of \$350.00. I was going to be stabbed. That night I asked to see a supervisor only to be told none was available. For two more days it was the same thing nobody addressed my request to be moved to safety. On May 31st 2012 I was again assaulted by inmate Brandon Dovi and members of the B.G.F. (Black Guerrilla Family) Gang. I was stabbed in my left eye. I was sent 911 to the Johns Hopkins Hospital where emergency surgery was performed on my left eye. I was visited at the hospital by the internal investigation team from B.C.D.C. and I identified inmate Brandon Dovi and several others as my attackers.

Several sight saving procedures were performed on my left eye at the Wilmer Eye Clinic at Johns Hopkins Hospital but because my injury was so severe I completely lost my vision in my

left eye. my eye was surgically removed in April 2013 at the Wilmer Eye Clinic - Johns Hopkins Hospital.

5) I feel that my claim has merit and should be given every consideration to be heard. My complaints to staff at the detention center feel on deaf ears they refused to remove me from a dangerous environment knowing I had been a victim of a previous assault by this inmate this constitutes negligence, they failed to protect me from assault, even when I made it known several times that I feared for my safety, for my life! Negligence and malice intent is what the staff of Baltimore City Detention Center has shown towards me.

I'm 53 years old as a result of my injury I am now enduring many hardships. I'm suffering from anxiety attacks as a result of the assault. I have to take daily medication to control these attacks my sight is failing me in my right eye due to the strain of using and only have one eye. This situation could have easily been avoided by moving me to see supervisor it was already documented that I was previously - assaulted by this inmate documented by the same shift supervisor that I was again complaining to. everything I'm claiming is listed in the prison log books traffic sheets and the

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housing unit incident log book.

Plaintiff is seeking relief and compensation for any additional surgeries that may be needed, for the purchase of a prosthetic eye, negligence and malice with intent. Pain and suffering, stress mental anguish, and dereliction of duty by staff at the Baltimore City Detention Center, in addition to serious disregard for my safety and welfare.

The foregoing factual allegations create a genuine issue of material facts and if proven at trial will support a judgement in my favor as explained in the brief submitted with this declaration.

Pursuant to 28 U.S.C. § 1746 I declare under the penalty of perjury that the foregoing is true and correct.

Conclusion

For all of these reasons stated herein defendants Complaint should be dismissed for Summary judgement.

Respectfully submitted

Larry Washington 407448 Pro Se

15th day of March 2014

18701 Roxbury Road

Hagerstown Maryland

21246

Petitioner Harry Washington ⁴⁰⁷⁴⁴⁸
DATE March 15th 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March 2014 A true and correct copy of this document was mailed to the Clerk of the United States District Court of Maryland, and the Attorney General's Office

Petitioner: Harry Washington ⁴⁰⁷⁴⁴⁸
DATE March 15th 2014

AFFIRMATION

I hereby do declare and affirm, under penalties of perjury, that the contents of this document are true and correct to the best of my knowledge and information

Witness: Barry Sneed
DATE March 15th 2014

Petitioner: Harry Washington ⁴⁰⁷⁴⁴⁸
DATE March 15th 2014